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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,937	01/26/2006	Farid Al-Bender	ALBE3002/JEK	8117
23364	7590	04/04/2008	EXAMINER	
BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314			HANNON, THOMAS R	
		ART UNIT	PAPER NUMBER	
		3682		
		MAIL DATE		DELIVERY MODE
		04/04/2008		PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/565,937	AL-BENDER, FARID	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thomas R. Hannon	3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3,7-14 and 16-23 is/are rejected.
- 7) Claim(s) 4-6 and 15 is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 26 January 2006 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date <u>1/26/06</u> .	6) <input type="checkbox"/> Other: ____ .

The disclosure is objected to because of the following informalities: On page 17, line 4, Figures 1a and 1b are referred to, yet there is only a Figure 1 in the Drawings. The symbol on page 16, line 22, and page 17, line 12, is not understood.

Appropriate correction is required.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 13, 19, 21, and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 13 and 22, the phrase "in particular" renders the claim indefinite because it is unclear whether the limitation following the phrase is part of the claimed invention. See MPEP § 2173.05(d).

Regarding claim 21, the phrase "e.g." renders the claim indefinite because it is unclear whether the limitation following the phrase is part of the claimed invention. Additionally, there is no antecedent for "the characteristic of the foil", the term being so broad as to be indefinite.

Regarding claim 19, the phrase "or any suitable type of actuator" is vague and indefinite, and the phrase "its characteristics" is so broad as to be indefinite.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 7, 14, and 23 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Silver et al. US 3,215,479.

Claims 1-3, 8-14, 16, 22 and 23 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Spies.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silver et al. as applied to claim 1 above, and further in view of Love US 3,504,953. Love discloses a foil bearing assembly in which two foils are interwoven. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the assembly of Silver to include a second interwoven foil, for the purpose of supporting a shaft with good peripheral support.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Silver et al. as applied to claim 1 above, and further in view of Munday GB 1,181,063. Munday discloses a foil bearing including a texture. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the assembly of Silver to include a texture to the foil as this is known in the art as shown by Munday.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Silver as applied to claim 1 above, and further in view of Reizo JP 02-080811. Reizo discloses a foil bearing in which the foil is made of a piezoelectric material. It would have been obvious to one of ordinary

skill in the art at the time the invention was made to make the foil of Silver or piezoelectric material for the desired purpose of achieving a high-performance bearing as taught by Reizo.

Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spies as applied to claim 1 above, and further in view of Love US 3,504,953. Love discloses a foil bearing assembly in which two foils are interwoven. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the assembly of Spies to include a second interwoven foil, for the purpose of supporting a shaft with good peripheral support.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Spies as applied to claim 1 above, and further in view of Munday GB 1,181,063. Munday discloses a foil bearing including a texture. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the assembly of Spies to include a texture to the foil as this is known in the art as shown by Munday.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Spies as applied to claim 1 above, and further in view of Reizo JP 02-080811. It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the foil of Spies of piezoelectric material for the desired purpose of achieving a high-performance bearing as taught by Reizo.

Claims 4-6 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 19 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas R. Hannon whose telephone number is (571) 272-7104. The examiner can normally be reached on Monday-Thursday (8:30-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thomas R. Hannon/  
Primary Examiner, Art Unit 3682